and local exchange competition cannot flourish if the Commission's jurisdictional separations rules are not contemporaneously changed. If jurisdictional separations reform must be conducted in a separate proceeding, the Commission should commence that proceeding as soon as possible with a view towards concluding it concurrently with the local exchange competition, universal service, and access charge reform proceedings. An absolutely worst-case scenario would be for the Commission to establish new universal service charges without dismantling the subsidies implicit in the current access charge regime.

The need for access charge reform is equally great. As numerous parties have pointed out, the carrier common line ("CCL") charge paid by interexchange carriers must be radically restructured or eliminated in its entirety. The CCL charge subsidizes the costs of subscriber local loops, long-term support ("LTS") payments, and payphone service. The Commission should therefore dismiss -- as patently false -- Bell Atlantic's assertion that the CCL charge is not an implicit subsidy. As the Common Carrier Bureau concluded in February of this year, CCL charges:

represent subsidies to the degree that high-usage [interstate service] customers pay more . . . than the interstate portion of their subscriber line costs, while low-usage [interstate service]

within 15 months of the date of enactment. <u>Id.</u> § 254(b). Including the jurisdictional separations issue within an existing proceeding will help ensure that the Joint Board and the Commission meet these statutory deadlines.

See, e.g., Ameritech at 21-22; Comments of AT&T at 4-7; Comments of MCI at 14-15; Comments of Sprint at 20; Comments of CompuServe at 6-7; Comments of ISA at 17-18.

⁴⁷ See Comments of Bell Atlantic at 11.

customers pay less than the interstate portion of the cost of those lines. 48

Economic efficiency dictates that the costs of subscriber loops be recouped from the cost-causers (i.e., subscribers) by means of an increased subscriber line charge ("SLC") or through non-traffic sensitive universal service charges.⁴⁹ An increase in the SLC, however, is by no means inevitable. As MCI correctly points out:

[t]he prices for the local loop, including the CCL and SLC charges, are currently well in excess of their economic cost. An increase to the SLC coupled with an exactly offsetting reduction of the CCL will allow the LECs to continue to recover more than the true cost of the loop. 50

In a related view, the Joint Commenters concur in the assessment of AT&T, MCI and others that, if universal service subsidies were made explicit and based on the true economic cost of providing LEC services, the subsidy legitimately needed to support universal service would be substantially less than today's "fuzzball" of implicit subsidies.⁵¹ For this reason, the

Common Carrier Bureau, <u>Preparation for Addressing Universal Service Issues: A Review of Current Interstate Support Mechanisms</u> at 92 (Feb. 23, 1996). <u>See also FCC Access Reform Task Force, Federal Perspectives on Access Charge Reform</u> at 61 (Apr. 30, 1993) ("[T]he . . . CCL [charge] is an admitted subsidy from high volume interstate users to low-volume users."); Comments of ISA at 17-18.

Waivers to Establish a New Regulatory Model for the Ameritech Region, 1996 FCC LEXIS 775 at ¶ 109, FCC 96-58 (released Feb. 15, 1996) ("The recovery of non-traffic sensitive local loop costs through a usage charge on interexchange carriers artificially suppress[es] demand for long-distance services.").

⁵⁰ Comments of MCI at 14-15 (emphasis added).

See, e.g., Comments of AT&T at 7 ("Using TSLRIC as the economic standard, the Commission will find that the amount of current access revenues above TSLRIC is more than necessary to support universal service."); Comments of MCI at 15 ("The result will be a decline in the total subsidy needed, and over time, a reduction in the cost of local (continued...)

Commission should reject the demands of Pacific Telesis and Southwestern Bell that the universal service funding mechanism adopted in this proceeding provide the LECs with at least as much money as they receive under the current subsidy regime. Source As MFS perceptively comments, demands of this sort demonstrate that some Bell Companies are less concerned with universal service than they are in preserving a giant corporate welfare program benefitting some of the world's largest most profitable corporations. The Joint Commenters submit that the Commission's goal in this proceeding should be to reduce the size of today's universal service subsidies to the extent that they are not cost-based and are used for purposes other than universal service (e.g., to maintain LEC revenues).

V. THE PARTIES AGREE THAT A SINGLE, NON-GOVERNMENTAL ENTITY SHOULD ADMINISTER UNIVERSAL SERVICE SUPPORT FUNDS

The vast majority of commenting parties support the designation of a single, non-governmental entity to administer universal service support funds.⁵⁴ Very few, by contrast,

service."); Comments of MFS Communications at 12 ("Many of the subsidy programs [are not] targeted to supporting universal service, but rather, focus on preserving incumbent local exchange carrier revenues."); Comments of Netscape at 17-18 ("[T]he Commission may well find that the actual level of support needed is far lower than the sum total of the revenues collected today from IXCs and bundled into LEC access and local exchange rates.").

⁵² See Comments of Pacific Telesis at 13; Comments of Southwestern Bell at 17.

⁵³ Comments of MFS Communications at 12.

See, e.g., Comments of Ameritech at 24; Comments of Cincinnati Bell at 15; Comments of Southwestern Bell at 20 n.33; Comments of Citizens Utilities at 21; Comments of Frontier at 10; Comments of AT&T at 22; Comments of Association of Local Telecommunications Services at 18-19; Comments of Telecommunications Resellers Association at 14-15; Comments of International Communications Association at 5; Joint Comments of ITAA and EMA at 20-22.

expressed support for the Commission's proposal to rely on the states to perform this task. Indeed, some states opposed state administration of universal service funds. As the Idaho Public Utilities Commission pointed out, many states do not have the financial resources to establish the bureaucracy necessary to administer such funds, and requiring the states to do so would be considered another unfunded mandate emanating from Washington. New Mexico also points out that state administration would lead to inequities in the achievement of universal service. Relatively poor states would have less money to distribute and, as a consequence, consumers in these states would enjoy an inferior level of universal service vis-a-vis consumers in relatively affluent states. See

Although some commenters proposed that the National Exchange Carrier Association ("NECA") be appointed the administrator of universal service funds,⁵⁷ most parties disagreed. The Joint Commenters share the concern of many that NECA is too closely associated with the interests of the LECs to act as a neutral administrator of universal service funds in a competitive environment.⁵⁸ The Commission should therefore designate a single, non-governmental entity to act as the administrator of the universal service support mechanism it adopts in this proceeding.

⁵⁵ See Comments of Idaho Public Utilities Commission at 17-18.

⁵⁶ See Comments of New Mexico Attorney General at 5.

⁵⁷ See, e.g., Comments of Rural Telephone Coalition at 19; Southwestern Bell at 20 n.33.

See, e.g., Comments of International Communications Association at 5; Comments of Association for Local Telecommunications Services at 18-19; Comments of Winstar Communications at 11; Comments of Citizens Utilities at 21.

VI. CONCLUSION

For all of the reasons set forth above, as well as in the initial Joint Comments of ITAA and EMA and the separate initial comments of ITI. IIA, and NRF, the Joint Commenters urge the Commission to: (1) limit the definition of universal service to the five "core" services identified by the Notice; (2) eliminate all implicit subsidies from interstate access charges and devise a new, explicit universal service support mechanism that collects the necessary funds from interstate telecommunications common carriers on a nondiscriminatory and competitively neutral basis; (3) not require universal service contributions, over and above the payments they make to interexchange carriers, from purely private networks, unregulated enhanced service providers and non-carrier providers of interstate telecommunications; and (4) appoint a single, non-governmental entity to administer the collection and distribution of universal service support payments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, James M. Fink, hereby certify that copies of the foregoing Joint Reply Comments of the Information Technology Association of America, the Electronic Messaging Association, the Information Technology Industry Council, the Information Industry Association, and the National Retail Federation in CC Docket No. 96-45 were served by hand delivery or First-Class United States mail, postage prepaid, upon the parties appearing on the attached service list, this 7th day of May 1996.

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